

COOLEY LLP  
 BOBBY GHAJAR (198719)  
 (bghajar@cooley.com)  
 COLETTE GHAZARIAN (322235)  
 (cghazarian@cooley.com)  
 1333 2nd Street, Suite 400  
 Santa Monica, California 90401  
 Telephone: (310) 883-6400  
 MARK WEINSTEIN (193043)  
 (mweinstein@cooley.com)  
 KATHLEEN HARTNETT (314267)  
 (khartnett@cooley.com)  
 JUDD LAUTER (290945)  
 (jlauter@cooley.com)  
 ELIZABETH L. STAMESHKIN (260865)  
 (lstameshkin@cooley.com)  
 3175 Hanover Street  
 Palo Alto, CA 94304-1130  
 Telephone: (650) 843-5000  
 CLEARY GOTTlieb STEEN & HAMILTON LLP  
 ANGELA L. DUNNING (212047)  
 (adunning@cgsh.com)  
 1841 Page Mill Road, Suite 250  
 Palo Alto, CA 94304  
 Telephone: (650) 815-4131

*Counsel for Defendant Meta Platforms, Inc.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

RICHARD KADREY, et al.,  
 Individual and Representative Plaintiffs,  
 v.  
 META PLATFORMS, INC., a Delaware  
 corporation;  
 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S  
 PARTIAL OPPOSITION TO PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO EXPEDITE  
 BRIEFING SCHEDULE AND SET HEARING  
 (DKT. 185)**

Discovery Cut-Off: September 30, 2024  
 Date Action Filed: July 7, 2023

Defendant Meta Platforms, Inc. (“Meta”) respectfully files this partial opposition to Plaintiffs’ administrative motion to expedite briefing schedule and set hearing (“Expedition Motion”) (Dkt. 185), regarding Plaintiffs’ motion to further extend the case schedule and reopen discovery (“Reopening Motion”) (Dkt. 184). Meta requests that its response to Plaintiffs’ Reopening Motion be due this Thursday, October 3, 2024—one day before the current due date of October 4, 2024 (Civ. L.R. 7-11(b)). Meta further requests that the Court hold any hearing on the Reopening Motion on Friday, October 4, 2024 (or thereafter at the Court’s convenience on a day that does not conflict with the depositions that are being completed in this case through next week).

As Meta informed Plaintiffs’ counsel in writing before they filed the Expedition Motion, but as Plaintiffs inexplicably omit from their Expedition Motion—Meta ***does not oppose*** expedition of briefing and hearing on the Reopening Motion. *See* Ex. A (9/27/24 email exchange); *see also* Dkt. 186-2 at 12. Meta simply seeks to have its response be due and the hearing date set in a way that does not conflict with other important events in this case. Specifically, and as Plaintiffs also failed to inform the Court, Meta has a scheduling conflict with Plaintiffs’ proposed hearing date of Thursday, October 3 for the Reopening Motion, because that is the day of a day-long deposition scheduled in this case of Meta’s Vice President responsible for Gen AI, Ahmad Al-Dahle. *See* Ex. A; Dkt. 186-2 at 11-12. Mr. Al-Dahle is a significant Meta witness who will be departing for parental leave after his deposition, and key personnel from Meta’s external and in-house counsel teams will be attending Thursday’s deposition. *See* Dkt. 186-2 at 11-12. Meta informed Plaintiffs of this conflict and instead proposed “to truncate [Meta’s] own response time [on the Reopening Motion] to Thursday as an accommodation to plaintiffs so that a hearing could be held this week on Friday.” *Id.* Plaintiffs rejected that accommodation and filed their motion.

Accordingly, Meta respectfully requests that its opposition to the Reopening Motion be due on Thursday, October 3 (one day sooner than the current deadline of Friday, October 4), and that the Court hold any hearing on the Reopening Motion on Friday, October 4 or as soon thereafter as convenient to the Court. There are no depositions scheduled in this case for Friday, October 4. There are multiple depositions scheduled in this case next week (Monday, October 7, Tuesday, October 8, and Thursday, October 10).

1           Meta will save for its opposition to the Reopening Motion its full rebuttal to the many  
2 misstatements and erroneous arguments made in Plaintiffs' flurry of filings today. Unfortunately,  
3 despite the appearance of new counsel, Plaintiffs' exaggerations, omissions, and unsupported  
4 assertions continue. Not only did Plaintiffs fail to inform the Court of Meta's position and the basis  
5 therefor in their Expedition Motion, but Plaintiffs' Expedition Motion also makes the frivolous  
6 argument "that they will suffer substantial harm and prejudice if the briefing and hearing on the  
7 Scheduling Motion are not expedited." Dkt. 185 at 1. There is no basis for such a claim. Plaintiffs  
8 already filed their Reopening Motion on the final day of discovery (which is closed other than for  
9 clean-up depositions occurring this week and next), meaning that the Reopening Motion will not  
10 be resolved before fact discovery closes regardless when Meta's opposition is filed and when the  
11 Court holds any hearing on the matter. Thus, whether Meta's response to the Reopening Motion is  
12 due Thursday versus Wednesday, and whether the Court holds a hearing on Friday or soon  
13 thereafter rather than Thursday, will not cause "substantial harm and prejudice" to *anyone*.

14           Moreover, Plaintiffs' proposal that Meta respond to the Reopening Motion in less than 48  
15 hours, *see* Dkt. 185 at 2, when Meta normally would have four days to respond, is unfair and  
16 prejudicial to Meta. Notably, and as reflected in the parties' meet and confer correspondence  
17 regarding the Reopening Motion, *see* Dkt. 186-2, Meta has been seeking *for days* Plaintiffs'  
18 explanation of the basis for their Reopening Motion so that the parties could have a genuine meet-  
19 and-confer. Yet Plaintiffs largely provided that information to Meta at the eleventh-hour, *see id.* at  
20 13-14, or not until the Reopening Motion itself. Meta should be permitted adequate time to review  
21 and respond to the Reopening Motion, and it respectfully submits that a Thursday, October 3  
22 deadline is necessary to allow an orderly and complete response.

23           For the foregoing reasons, Meta requests that the Court order its response to the Reopening  
24 Motion be filed on or before Thursday, October 3, 2024, and that the Court hold a hearing (if any)  
25 on the Reopening Motion on Friday, October 4, 2024, or at another time convenient to the Court  
26 that does not otherwise conflict with the case schedule.

27  
28

1 Dated: September 30, 2024

COOLEY LLP

2 By: /s/ Kathleen Hartnett

3 Bobby Ghajar  
4 Mark Weinstein  
5 Kathleen Hartnett  
6 Judd Lauter  
7 Liz Stameshkin  
8 Colette Ghazarian

9 CLEARY GOTTlieb STEEN &  
10 HAMILTON LLP  
11 Angela L. Dunning  
12 Attorneys for Defendant  
13 META PLATFORMS, INC.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

## Hartnett, Kathleen

---

**From:** Hartnett, Kathleen  
**Sent:** Friday, September 27, 2024 6:56 PM  
**To:** Reed Forbush; Ghajar, Bobby A.; Ghazarian, Colette A; Biksa, Liene; Alvarez, Jessica; Weinstein, Mark; Stameshkin, Liz; z/Meta-Kadrey; Poppell, Cole A; Dunning, Angela L; mlemley@lex-lumina.com  
**Cc:** Maxwell Pritt; Holden Benon; Christopher Young; Aaron Cera; Cadio Zirpoli; Joe Saveri; Margaux Poueymirou; Ashleigh Jensen; Rya Fishman; Matthew Butterick; Nada Djordjevic; James Ulwick; Bryan L. Clobes; Mohammed Rathur; Amy Keller; David Straite; Ruby Ponce; Alexander Sweatman; Heaven Haile; Llama BSF; Josh Schiller; David Boies; Jesse Panuccio  
**Subject:** RE: Kadrey et al. v. Meta: Plaintiffs' Motion to Modify Case Schedule

Hi Reed,

In light of Mr. Al-Dahle's deposition on Thursday and other conflicts on our end, we propose that Meta's response be due EOD Thursday, October 3, and that the hearing take place on Friday, October 4. Is that acceptable to Plaintiffs?

Thanks,  
Kathleen

### Kathleen R. Hartnett

Cooley LLP  
3 Embarcadero Center, 20th Floor  
San Francisco, CA 94111-4004  
+1 415 693 2071 office  
+1 415 693 2222 fax  
+1 202 368 5916 mobile  
[khartnett@cooley.com](mailto:khartnett@cooley.com)  
[www.cooley.com/people/kathleen-hartnett](http://www.cooley.com/people/kathleen-hartnett)  
Pronouns: she, her, hers

---

**From:** Reed Forbush <rforbush@BSFLLP.com>  
**Sent:** Friday, September 27, 2024 5:43 PM  
**To:** Hartnett, Kathleen <khartnett@cooley.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; Weinstein, Mark <mweinstein@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; mlemley@lex-lumina.com  
**Cc:** Maxwell Pritt <mpritt@BSFLLP.com>; Holden Benon <hbenon@saverilawfirm.com>; Christopher Young <cyoung@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Joe Saveri <jsaveri@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Heaven Haile <hhaile@saverilawfirm.com>; Llama BSF <Llama\_BSF@bsfllp.com>; Josh Schiller <JiSchiller@BSFLLP.com>; David Boies <DBoies@BSFLLP.com>; Jesse Panuccio <jpanuccio@BSFLLP.com>  
**Subject:** Kadrey et al. v. Meta: Plaintiffs' Motion to Modify Case Schedule

**[External]**

---

Dear Counsel,

Plaintiffs plan to file a Motion to Modify Case Schedule (“Scheduling Motion”) on Monday, September 30. We propose an expedited schedule for a Response to and oral argument on the motion as follows:

- Response to the Scheduling Motion to be filed by EOD on Wednesday, October 2; and
- Hearing on the Scheduling Motion set for the Court’s Zoom calendar at 2 p.m. on Thursday, October 3.

Please let us know if you will agree to this proposed schedule so we may submit it to the Court as a stipulation.

Best regards,  
Reed

**Reed D. Forbush**  
Counsel

---

**BOIES SCHILLER FLEXNER LLP**

44 Montgomery Street  
41st Floor  
San Francisco, CA 94104  
(t) +1 415 293 6815  
(m) +1 646 339 8787  
[rforbush@bsfllp.com](mailto:rforbush@bsfllp.com)  
[www.bsfllp.com](http://www.bsfllp.com)

---

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1 08201831BSF]